

### ***DETAILED ACTION***

Claims 2-7, 11, 14, 18-44 and 51-60 have been canceled. Therefore, claims 1, 8-10, 12-13, 15-17 and 45-50 are currently pending in this Application.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronald S Hermenau, on March 31, 2009.

The application has been amended as follows:

#### **Amendments to Claims**

**In claim 50, at the end of the claim insert ---claim 1 or 45. ---**

#### **Previous Rejections/Objections**

Claims 1-5, 8, 9, 11-17, 19-21, 24, 30, 31, 33, 34, 36-38, 40, 43, 45, 46 and 48-50 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 22 and 43 of co-pending Application No. 11/042,398. Applicants canceled some of the claims and filed a terminal disclaimer which has been entered in the file. Therefore, the rejection is hereby withdrawn.

Claims 1-5, 8-21, 24, 25, 30, 31, 33-38, 40 and 43-50 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention. Applicants' have amended the definition of R2. Therefore, the rejection is hereby withdrawn.

Claims 1-5, —21, 24, 25, 30, 31, 33-38, 40 and 43-50 were objected to as containing non-elected subject matter. Applicants amendment filed on July 28, 2008 have overcome the objections.

Therefore, claims 1, 8-10, 12-13, 15-17 and 45-50 are allowable.

### **Telephone Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamal A Saeed, Ph.D. phone number is (571) 272-0705. The examiner can normally be reached on M-T 7:00 AM- 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

Communication via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by applicant and should be addressed to [joseph.mckane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35 U.S.C. 122 by

the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

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/Kamal A Saeed, Ph.D./

Primary Examiner, Art Unit 1626